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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,493	06/24/2003	Jeffrey Robert Perry	50019.222US01/PO5531	3527
23552	7590	02/10/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				KIK, PHALLAKA
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,493	PERRY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phallaka Kik	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

### **DETAILED ACTION**

1. This Office Action responds to Applicant's amendment filed on 10/24/2005. Claims 1-22 are pending, wherein claims 1-2,11,13-14,16,19,21-22 have been amended. Claims 1-22 have been examined, wherein the claims are newly rejected as being necessitated by Applicant's amendment to the claims.

#### ***Specification***

2. Acknowledgement is made of the substituted specification filed on 10/24/2005, which have been entered.

#### ***Drawings***

3. The drawings were received on 10/24/2005. These drawings are approved by the Examiner.

#### ***Claim Objections***

4. **Claim 11-15** are objected to because of the following informalities:

As per **claim 11**, "may comprise" (line 13) should be --comprises-- to clearly identify what is being claimed.

As per **claims 12-15**, the claims are objected to for incorporating the above error into the claims by claim dependency.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-7,9-22** are rejected under 35 U.S.C. 102(a) as being anticipated by **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19).

As per **claims 1,16,22**, the establishing connection between the client and the server is part of the Web-based software design tool as further described on page 15, column 2, paragraphs 1-2 (see also Fig. 1); the displaying/choosing/modifying/analyzing of the schematic on the client is described on page 16 and illustrated in Fig.3, which allows the user to select/choose and place the circuit components and their wires (i.e., wiring component) to the desire location on the schematic as well as allowing the user to modify and re-simulate the schematic (i.e., analyze the modified schematic); thus making the wire components and the electrical component movable within the schematic as desired by the user/designer.

As per **claim 2**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein the particular endpoint determination for moving and moving that endpoint of the wire component is part of the modification of the circuit as described on page 16, which all allows both the components as well as the wires to be modified, including making new or modified connections to any other components on the schematic.

As per **claims 3-5,17-19**, all of the elements of claims 1,16 are discussed in the rejection of claims 1,16, from which the respective claims depend, wherein the palette of

choices being provided to the user for choosing, the particular components being available for selection and modification (i.e., adjustments) are also illustrated in Fig. 3 (see also page 16).

As per **claim 6**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein the scaling of the schematic to provide a different level of detail is also shown in Figs. 4 and 5 as part of the zooming icon (i.e., magnifying icon located on the tool bar of the web-browser).

As per **claim 7**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein the panning and scanning is also part of the graphical user interface (see pages 16-17) which allows for motion sequence windows, editing window and user interactive animated simulation window to be panned and scanned (i.e., observed and analyze).

As per **claims 9-10,20-21**, all of the elements of claim 1,16 are discussed in the rejection of claims 1,16, from which the respective claims depend, wherein the netlist generation and component connectivity list generation are part of the PLC codes being generated as further described on page 17, last section to page 18.

As per **claim 11**, all of the elements of the claims are discussed in the rejection of claims 1,16 and 2 above, wherein since the method/system is a computer-implemented web-based method/system, the modulated data signal embodied in a carrier wave and representing computer executable instructions are included as part of the computer web-based method/system being necessary to carry out the computer-implemented web-based method/system.

As per **claims 12-14**, all of the elements of the claim 11 are discussed in the rejection of claim 11 above, wherein the further limitations of the claims are discussed in the rejections of claims 3-5 above.

As per **claim 15**, all of the elements of the claim 11 are discussed in the rejection of claim 11 above, wherein the further limitation of the claim are discussed in the rejection of claims 9-10 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) in view of **Schmidt et al.** (US Patent No. 6,904,571).

As per **claim 8**, **Yen et al.** disclose all of the elements of claim 4, from which the claim depends, as discussed in the rejection of claim 4 above, including the means for keeping track of the location of the circuit components (see Fig. 2-3, with the row and col. numbers associated with the insertion of the circuit components). However, **Yen et al.** failed to specifically teach providing the grid to aid placement of the component within the schematic. **Schmidt et al.** teach the providing the grid to help user (i.e., engineer) interactive placement of the circuit as part of the schematic editor being implemented in the networking environment (i.e., the internet) (col. 4, line 61 to col. 5, line 3; col. 12, lines 46-65). It would have been obvious to one of ordinary skilled in the art at the time of the invention to further incorporate providing the grid as taught by **Schmidt et al.** into the system/method of **Yen et al.** because such incorporation would make it easier for the user to place the desired circuit at the desired location as taught by **Schmidt et al.** for which the system/method of **McDonald et al.** have the means to support.

#### **Remarks**

10. The objections of **claims 1-22** due to the noted informalities are withdrawn in light of Applicant's amendment filed on 10/24/2005, which corrected the informalities. However, as per **claims 11-15**, the claims are newly objected as being necessitated by

Applicant's amendment filed on 10/24/2005 which newly introduced the error into the claims.

11. The objections to the specification and the drawings due to the noted informalities are withdrawn in light of Applicant's amendment filed on 10/24/2005, which corrected the informalities.

12. The rejections of **claims 1-7,9-22** under 35 U.S.C. 102(e) as being anticipated by **McDonald et al.** (US Patent No. 6,530,065) are withdrawn in light of Applicant's amendment filed on 10/24/2005, wherein as pointed out by Applicant, **McDonald et al.** failed to teach that the schematic includes components that comprise wire components and electrical components that are movable within the schematic as now claimed. However, as given in the new rejection above as being necessitated by Applicant's amendment, **Yen et al.** provides for all of the elements of the claims.

13. The rejection of **claim 8** under 35 U.S.C. 103(a) as being unpatentable over **McDonald et al.** (US Patent No. 6,530,065) in view of **Schmidt et al.** (US Patent No. 6,904,571) is withdrawn in light of Applicant's amendment filed on 10/24/2005, wherein as pointed out by Applicant, **McDonald et al.** failed to teach the schematic includes components that comprise wire components and electrical components that are movable within the schematic, as part of the step/means for displaying of the schematic on the client, as now claimed. However, as given in the new rejection above as being necessitated by Applicant's amendment, **Yen et al.** in view of **Schmidt et al.** provide for all of the elements of the claims, wherein the method/system of **Schmidt et al.** is still applicable since it is implemented on a networking environment for which the web-

based method/system of **Yen et al.** is a part of, and wherein it would have been obvious to one of ordinary skilled in the art at the time of the invention to further incorporate providing the grid as taught by **Schmidt et al.** into the system/method of **Yen et al.** because such incorporation would make it easier for the user to place the desired circuit at the desired location as taught by **Schmidt et al.** for which the system/method of **McDonald et al.** have the means to support, as given above.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Therefore, Applicant is requested herein to consider them carefully in response to this Office Action.
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on Monday-Thursday, 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

**or faxed to:**

571-273-8300



Phallaka Kik

U.S. Patent Examiner

February 4, 2006